

**INFORMATION AND INSTRUCTIONS
FOR FILING CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. §1983**

- 1) The accompanying form is to be used when filing a complaint seeking relief under the Civil Rights Act. In order for your complaint to be considered by the district court, it must be **typewritten or legibly handwritten**. All questions must be answered clearly and concisely in the appropriate space on the form. If necessary, you may use up to two additional pages (on 8½ x 11 inch paper) to complete part “C” of the complaint, making clear which count(s) applies to the information. If there is more than one defendant, you should clearly indicate which of the acts alleged pertains to each defendant.
- 2) **An original and one copy of the complaint must be provided for the court and one copy for each of the defendants named in the complaint. You also need to provide the name and address of each defendant named.** For example, if you name two defendants you must file an original and three copies of the complaint. You should keep an additional copy of the complaint for your own records. **All copies of the complaint must be identical to the original.**
- 3) Your complaint must have an **original signature** and include a declaration under penalty of perjury. You are cautioned that any deliberate false statement of a material fact may serve as a basis for prosecution and conviction of perjury. Therefore, you should exercise care to assure that all answers are true, correct and complete.
- 4) The complaint must be accompanied by the filing fee of \$150.00. If you cannot afford to pay the fee, you may request permission to proceed *in forma pauperis* by filling out a motion for leave to proceed *in forma pauperis* regarding your inability to pay the filing fee. If you file the motion, the business office of the institution at which you are incarcerated will be requested by the court to complete a financial certificate for the six-month period immediately preceding the filing of your complaint.

Even though *in forma pauperis* status may be granted, the court will assess an initial partial payment of the filing fee and will collect monthly payments thereafter until the entire fee of \$150.00 is paid in full.

The initial partial payment and monthly payments will be collected based on the criteria set forth in 28 U.S.C. 1915(b)(1) and (2). Specifically, for each month

that the amount in the prisoner's account exceeds \$10.00 the custodian must collect a payment equal to 20% of the previous month's income in the prisoner's account until the full \$150.00 filing fee has been paid.

- 5) Under the Civil Rights Act (42 U.S.C. 1983) the court can grant relief only for wrongs which amount to the denial of federal constitutional rights by a person acting under color of state law. Your complaint can be brought in this court only if one or more of the named defendants is located within this judicial district.
- 6) Your completed complaint, along with the necessary copies, filing fee or motion to proceed *in forma pauperis*, should be mailed to:

Clerk, U. S. District Court
District of Wyoming
2120 Capitol Avenue, 2nd Floor
Cheyenne, WY 82001

- 7) You must furnish an original and one copy of all motions, pleadings or other documents submitted to the court for filing. In addition, you must furnish the opposing party or the party's attorney with a copy of all documents submitted to the court for filing. Each document (except the complaint) must include a certificate of service stating the date that a copy of the document was mailed to the opposing party or the party's attorney and the address to which it was mailed. Any pleading or other document received which fails to include a certificate of service may be disregarded by the court.

The following is an example of a certificate of service:

I hereby certify that a copy of the foregoing [insert name of pleading or document] was mailed to [insert name of opposing party or party's attorney] at [insert address] on [insert date you mailed the document].

Plaintiff's signature

- 8) If you would like to have a file-stamped copy returned to you, you need to include a stamped, pre-addressed return envelope with the document.
- 9) The United States Magistrate Judge, the Clerk of Court and deputy clerks are officers of the court and are prohibited from giving legal advice. Questions of this nature should be directed to an attorney.